



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,966	10/16/2003	Kentaro Toyama	MCS-044-03 (301914.02)	8085
27662 7590 06/12/2007 MICROSOFT CORPORATION C/O LYON & HARR, LLP 300 ESPLANADE DRIVE SUITE 800 OXNARD, CA 93036			EXAMINER LEWIS, CHERYL RENE A	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 06/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/686,966

**Applicant(s)**

TOYAMA ET AL.

**Examiner**

Cheryl Lewis

**Art Unit**

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to the applicant's communication received on March 22, 2007.
2. Claims 1-21 and 24 are presented for examination.
3. The applicants have not amended any claims. Claims 22 and 23 have been cancelled.
4. Applicant's arguments received on March 22, 2007 have been fully considered but they are not deemed to be persuasive.

### ***Response to Arguments***

5a. The applicants arguments recite the following:

"As to claim 14, Applicants respectfully disagree with the Examiner's conclusion."

"...Examiner's attention to the discussion of certain advantages of the invention in paragraphs [0060] through [0066] of the Specification...", page 6, paragraph 2 of **Rejections Under 35 U.S.C. § 101**

a1. The Examiner respectfully disagrees with the applicants' remarks. In the applicants' response to the rejection under 101 (cited in the office action dated September 22, 2006), the applicants respond to the 101 rejection by referring the Examiner to paragraphs 0060 and 0066 of the applicants' Specification. The applicants state that these paragraphs "*clearly establishes the specific and substantial utility of the present invention.*" Further, the applicants state that the mapping and cartographic

fields, as exemplified in Figs. 3a, 3b, 4e, and 5a-5d establish substantial utility of the present invention.

The Examiner does agree that the Specification does establish substantial utility of the present invention. However, the Examiner does not agree that paragraphs 0060, 0066, the mapping and cartographic fields, along with Figs. 3a, 3b, 4e, and 5a-5d are "**advantages**" (cited from applicants' remarks, page 6) of utility for the claim limitations of independent claim 14 that would make the limitations of independent claim 14 statutory. Claim 14 is non-statutory because the claim limitations of claim 14 do not produce useful, concrete, and tangible results. The applicants' cannot simply suggest referring to a section of the Specification and to certain drawing figures would make up for the lack of statutory subject matter that should be introduced into the limitations of claim 14. In order for independent claim 14 to become statutory, the claim limitations of this claim would have to be amended to include statutory subject matter.

Claim 14 remains non-statutory because claim 14 comprises a display of media dots aligned on a grid that indicates how many media are associated with a grid location on a map (refer to the 101 rejection presented below in the Office Action).

b. The applicants' arguments recite the following:

"It is well-settled that patentees can be their own lexicographers. MPEP § 2111.01(IV). Applicants have done precisely that with the term "media dot." For example, a "media dot" can be a graphical representation (e.g., a dot, an icon, or another symbol) with a size (e.g., a diameter) that varies as a function of the number of media in a set of media items represented by the media dot. Thus, the size of

Art Unit: 2167

the media dot "indicate[s] how many media are associated" therewith...", page 7, paragraph 2, **Rejection Under 35 U.S.C. § 102(e)**

b1. The Examiner respectfully disagrees with the applicants' arguments. The Examiner acknowledges and appreciates that the patentees in the present application are their own lexicographers. The Examiner has taken into careful consideration the applicants specified terminology defining "media dot". Based on the description of "media dot" in the applicants' rebuttal, the Examiner has given weight to the terminology of "media dot". A "media dot" as defined by the applicants is (1) a dot, (2) an icon, (3) or another symbol. Therefore, the cited prior art, Leishman, teaches the claimed "media dot".

Leishman teaches a media dot(s) is shown as a "dot" (a plurality of dots are displayed) displayed in figure 5 to represent a graphical representation of a location on a map.

One of the various "media dots" of Leishman's method is "•", this "dot" representation shows more than 6 dots represented as geographic locations on a map. The media dot of Leishman's method is displayed as both (1) a dot and (2) as an icon. The media dot "•" of Leishman's method is represented as "Lasoo" icon within the geographic location map and as a dot icon for the "Location Finder" shown in figure 5.

The claims do not suggest a "**size**" as indicated in the applicants' argument. No where in independent claims 1, 14, and 24 do the claim limitations make reference to a **size**. The applicants are stating that the claim limitations comprise (1) media dot that is associated with (2) a "**size**". No where is size found, presented, or suggested in the claim limitations. If it is the applicants intention to teach media dot with a "**size**", then

Art Unit: 2167

the Examiner kindly suggests that the applicants should amend the claim limitations to state a media dot corresponds with a “**size**”. For the record, the claim limitations recite “media dots that are aligned with a grid” and “media dots indicate how many media are associated with a grid”.

On page 7 of the applicants’ arguments at paragraph 3 of **Rejection Under 35 U.S.C. § 102(e)**, the applicants present a brief summary of their presently pending application.

c. The applicants’ arguments recite the following:

“Leishman, by contrast, teaches a system that displays query results as discrete “dots”...

“Since Leishman does not teach the use of a grid, Leishman’s “dots” are not grid-aligned...”, page 8, paragraph 2

c1. The Examiner respectfully disagrees with the applicants’ arguments. As discussed in the Examiner’s rebuttal of paragraph b1 presented above. Leishman does teach the applicants media dot(s) that can be represented as a dot, icon, or other symbol. The claim limitations of the independent claims recite “interchangeable panels that are used for determining query constraints and viewing query results of a database of media that is tagged with geographic location information.” The limitations of these claims were addressed in the prior Office Action. Leishman teaches the interchangeable panels shown as MapClicks of figure 3. The MapClicks enable manipulation of the geographic map using icons “In, Lasoo, Out, etc. Leishman determines the query constraints as a

key word and category search (§0029-0032) via a search interface. The viewing of the query results is provided by a category to a local search results page for desired locations and category/reference means of an IDLCM result link displayed to the user within the search engine's result list of a database (§0032-0040). Figure 5 displays media that is tagged with geographic location information. Figure 5 displays a thumbnail map and scanned images representing geo-spatial position controls. This display enables a page pop-up that includes a street-level location map showing the precise location of the record, address and contact information (§0054-0057).

The Examiner does not agree with the applicants that Leishman doesn't teach the use of a grid and that Leishman's "dots" (media dots) are not grid-aligned. As stated in the applicants' arguments, a grid map consists of grid points that by example, are intersections of horizontal and vertical grid lines. Leishman teaches a "MAP INTERFACE" consisting of a map showing the precise location of a street-level location including address and contact information (§0050 and 0054). The "MAP INTERFACE" provides an integrated view of the interior of buildings and/or high definition mapping for precise areas such as shopping centers, exhibit centers, fair grounds, manufacturing plants, and park grounds (§0056). Also, Leishman's method teaches a map providing and displaying driving directions onto a street-level, or other zoom level of the map (§0059). Therefore, if Leishman's "MAP INTERFACE" provides a display and view of street-levels, buildings, and driving directions, then Leishman's method surely teaches the applicants' claimed grid and that the "dots" of Leishman are grid-aligned. Figure 5

of Leishman depicts the "dots" with various street-level locations on a geographic map. The "dots" with the various street-level locations are using a grid, further the "dots" are grid-aligned which depicts streets-level locations that are intersections of horizontal and vertical grid lines.

d. The applicants' arguments recite the following:

"Leishman does not teach that the size of the larger dot is in any way related to the number of query results." page 8, paragraph 3

d1. The Examiner does not agree with the applicants' arguments. Again, the applicants are suggesting that the claim limitations are teaching a "**size**" of the media dot(s). As stated in paragraph b1 presented above, the applicants' claims do not recite a "**size**" that corresponds to the media dot(s). The Examiner kindly requests that the applicants should point out in the claim limitations where this suggestion of a "**size**" of a media dot(s) is being claimed and is presented in the context of the claims.

Next, the applicants arguments state "*Leishman does not teach that the size of the larger dot is in any way related to the number of query results.*" The claim limitations of the independent claims do not make reference to the claimed "*query results*" being related and/or corresponding to the applicants' suggestion of a "**size**". The Examiner kindly reminds the applicants that the claimed "*query results*" are used in combination with the claimed geographic location. The claim limitations recite the following: "*interchangeable panels that are used for determining query constraints and*



*viewing query results of a database of media that is tagged with geographic information*". The claim limitations do not mention any size used in combination with the query results. At this point, the Examiner concludes that the applicants' arguments are confusing. The applicants continuously argue a "**size**" with a media dot, a "**size**" associated with grid locations, and a "**size**" with query results. Again, none of these assertions are presented in the claim limitations.

The claimed query results of a database having media that is tagged with geographic information has been noted and addressed by the Examiner in paragraph c1 above.

Although, the claim limitations do not make reference to a size. The Examiner will briefly address this assertion made by the applicants. Leishman in fact, teaches a size. Leishman teaches a radius,  $r$  of the geographic location presented on a map. Leishman's map consists of a center having coordinates (x,y) and a radius,  $r$  (¶0038).

e. The applicants arguments' recite the following:

"Leishman does not teach dots that are "aligned with a grid" or that "indicate how many media are associated with a grid location on the map", page 8, paragraph 4

e1. The Examiner does not agree with the applicants' arguments. The claim limitations regarding the alignment with a grid have been addressed in paragraph c1 above. In addition, the indication of how many media are associated with a grid location on a map

Art Unit: 2167

has also been addressed in the Office Action presented below. Leishman teaches media are associated with a grid location on a map as presented in an interface that provides navigational and search criteria. Searches are conducted and results including the media are displayed featuring street-level locations of a geographic map. The search results are also displayed using media to depict spatial proximity of the geographic locations, as well as a center, (x, y) and a radius, r of the geographic map (¶¶0038-0039, 0045, 0054, and 0063-0068). Leishman teaches the diameter of the dot which is presented as a range corresponding to a geo-spatial distance of latitude and longitude attributes (grid lines) and a circle placed on a map with a center, (x, y), and a radius, r (as recited in dependent claims 19 and 20).

The remaining claims, claims 2-13 and 15-21, each comprise claim limitations corresponding substantially to the above-discussed claim limitations and are also addressed by the above remarks.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 14 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As follows:

Claim 14 is directed to media dots on a grid representing a geographical location in a database, the media dots indicate how many media are associated with a grid

Art Unit: 2167

location on a map. Claim 22 is directed to a reflective feature that shows how query constraints and query results are related through an input device interaction. The claimed inventions, as a whole must accomplish a **practical application**. That is, it must produce a **“useful, concrete and tangible result.”** *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02. MPEP 2106. In each of these cases the **result** is “aligning media dots on a grid” (claim 14) and “a reflective feature shows how query constraints and query results are related” (claim 22). The claim limitations for “aligning media dots on a grid” and “a reflective feature to show how query constraints and query results are related” are an abstraction as they are not **useful**, concrete, and tangible. They are not presented in such a way to provide some result that is of utility and that may exist in the specification. However, no specific use is provided for in the claimed invention. Thus the claims are non-statutory and stand rejected under § 101 as not **producing a “useful, concrete and tangible result.”**

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

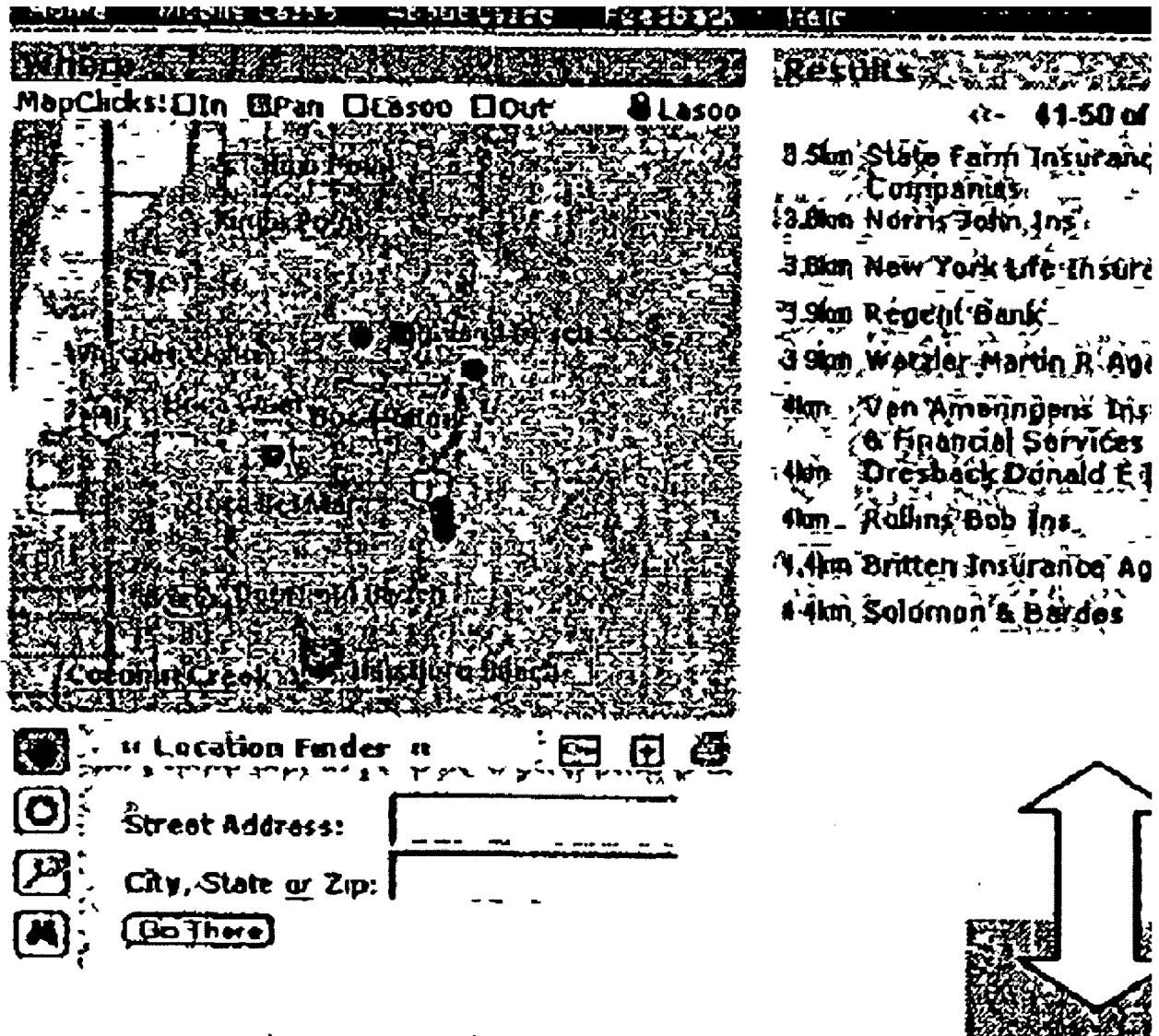
9. Claims 1-21 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Leishman et al. (Publication No.: 2004/0073538 A1, filed October 9, 2002, hereinafter Leishman).

10. Regarding Claim 1, 14, Leishman teaches an information retrieval system and method employing spatially selective features.

The method and associated system for an information retrieval system and method employing spatially selective features as taught or suggested by Leishman includes:

interchangeable panels (figure 3, MapClicks – In, Lasoo, Out, etc., paragraph 0038-0039) that are used for determining query constraints (figure 3, 'Key Word and Category Searching – type in a key word, paragraphs 0029-0032 – SEARCH INTERFACE) and viewing query results (paragraphs 0032-0040, '...category to a local search results page for the desired location and category/reference by means of an IDLCM result link displayed to the user within the search engine's result list.', paragraphs 0062-0068) of a database (paragraph 0036, 'Internet Database Link Control Module', paragraph ) of media that is tagged (figure 5, illustrated in the image and icons presented below, paragraph 0067-0068, thumb-nail map, paragraph 0056, '...scanned images with geo-spatial positioning controls...') with geographic location information (paragraphs 0054-0057, 'The page pop-up includes a street-level location map showing the precise location of the record, address and contact information...');

Art Unit: 2167



and media dots that are aligned with a grid that encompasses the geographic location information of the media in the database (paragraphs 0054 and 0063-0068), wherein media dots indicate how many media are associated with a grid location on the map (paragraphs 0038-0039, 0045, 0054, and 0063-0068).

11. Regarding Claim 2, Leishman teaches a reflective user interface that shows how query constraints and query results are related through cursor interaction ('RESULTS TABLE INTERFACE', paragraphs 0062-0068).

Art Unit: 2167

12. Regarding Claim 3, Leishman teaches the interchangeable panels comprise one or more constraint panels (figure 3, MapClicks – In, Lasoo, Out, etc., paragraph 0038-0039) and one or more display panels (paragraphs 0054-0059).

13. Regarding Claim 4, Leishman teaches the constraint panels allow a user to define the constraints of a database query (paragraphs 0029-0032).

14. Regarding Claim 5, Leishman teaches the constraint panels allow a user to define database search constraints to include keyword related to a database item (paragraph 0069).

15. Regarding Claim 6, Leishman teaches display panels show the results a database query that is jointly specified by one or more constraint panels (paragraphs 0053-0058).

16. Regarding Claim 7, Leishman teaches a float mode can be invoked that allows a user to navigate a constraint panel without eliciting a database query (paragraph 0058).

17. Regarding Claim 8, Leishman teaches a display panel can be one of a list panel that show the results of a database query as a list of small thumbnails (figure 5, illustrated in the image and icons presented below, paragraph 0067-0068, thumb-nail map, paragraph 0056, ‘...scanned images with geo-spatial positioning controls...’).

18. Regarding Claim 9, Leishman teaches a primary window for displaying one or more interchangeable panels (paragraph 0057).

19. Regarding Claim 10, Leishman teaches the limitations of this claim has been noted in the rejection of claim 9 presented above. It is therefore rejected as set forth above.

Art Unit: 2167

20. Regarding Claims 11-13, the limitations of this claim has been noted in the rejections of claims 1, 2, 4, 6, and 7 presented above. They are therefore rejected as set forth above.

21. Regarding Claim 15, Leishman teaches each media dot is a scale-adaptive two dimensional histogram (paragraph 0056-0058).

22. Regarding Claim 16, Leishman teaches each map is gridded with a regular grid where cell size is greater than a single pixel on a display (paragraphs 0062-0065).

23. Regarding Claim 17, Leishman teaches the cell size 10 pixels (paragraphs 0062-0065).

24. Regarding Claim 19-21, the limitations of this claim has been noted in the rejections of claims 1, 2, 4, 6, and 7 presented above. They are therefore rejected as set forth above.

25. Regarding Claim 22, Leishman teaches a reflective feature (paragraphs 0062-0071, RESULTS INTERFACE TABLE) that shows how query constraints and query results are related through computer input device interaction (paragraph 0040 and paragraphs 0062-0071, RESULTS INTERFACE TABLE).

26. Regarding Claim 23, the limitations of this claim has been noted in the rejection of claims 9 and 22 presented above. They are therefore rejected as set forth above.

27. Regarding Claims 24 and 26, the limitations of this claim has been noted in the rejections of claims 1 and 22 presented above. It is therefore rejected as set forth above.

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***NAME OF CONTACT***

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).



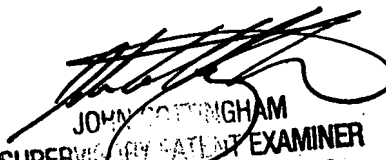
Art Unit: 2167

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/  
Patent Examiner, A.U. 2167  
June 7, 2007

  
JOHN COTTINGHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100